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# **CULTURAL RESOURCES OFFICE ENABLING ORDINANCE**

***(St. Louis City Ordinance 64689)***

## **excerpts from Title 24 of the City Charter — CULTURAL RESOURCES**

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### **Chapter 24.36**

#### **PRESERVATION REVIEW DISTRICTS**

##### **Sections:**

**24.36.010 Established.**

**24.36.020 Public hearing required--Notice.**

**24.36.010 Established.**

Preservation Review Districts may be established by ordinance for areas of the City in which the Board of Aldermen finds, by ordinance, reviews of the effects of demolitions on the area are in the public interest. Prior to adoption of a Preservation Review District ordinance, (1) the alderman for the ward in which the proposed district is located shall have requested the Cultural Resources Office and the Preservation Board to assess the architectural and/or cultural quality of the proposed district, and (2) within forty-five (45) days thereafter the Cultural Resources Office and the Preservation Board shall have reported its findings to the Planning Commission and the Board of Aldermen. The Cultural Resources Office and the Preservation Board shall assess the proposed district as having (1) high historic district potential; (2) possible historic district potential; (3) low historic district potential; (4) demolitions within the last two years in excess of the average for similar areas in the City. Districts which are reported as being in categories (1), (2) or (4) may be designated Preservation Review Districts. Preservation Review District ordinances may be repealed by ordinance at any time without Cultural Resources Office or Preservation Board action. (Ord. 64689 § 55, 1999.)

**24.36.020 Public hearing required--Notice.**

No ordinance designating a Preservation Review District shall be adopted until the aldermanic committee to which the bill is assigned shall have conducted a public hearing on the bill. Notice of the hearing shall be given in a newspaper of daily circulation and in the City Journal at least ten days prior to such committee hearing. (Ord. 64689 § 56, 1999.)

## **PART VIII - LEGISLATIVE FINDINGS WITH RESPECT TO REVIEW OF CERTAIN DEMOLITIONS**

### **SECTION FIFTY-FOUR. Findings.**

The Board of Aldermen of the City finds and declares as follows:

- A. St. Louis contains a stock of residential and commercial buildings which is characterized by certain common architectural styles and quality construction.

- B. This building stock imparts a distinct and distinguished appearance to St. Louis which is of benefit and is attractive to visitors.
- C. Adaptive reuse of residential and commercial buildings in St. Louis has often proved to be an economically feasible and potentially profitable alternative to demolition and should be encouraged.
- D. Evaluation of the economic feasibility and potential profitability of adaptive reuse is a legitimate function of the Preservation Board and Cultural Resources Office.

## **PART IX - PRESERVATION REVIEW DISTRICTS SECTION FIFTY-FIVE.**

Preservation Review Districts may be established by ordinance for areas of the City in which the Board of Aldermen finds, by ordinance, reviews of the effects of demolitions on the area are in the public interest. Prior to adoption of a Preservation Review District ordinance, i) the alderman for the ward in which the proposed district is located shall have requested the Cultural Resources Office and the Preservation Board to assess the architectural and/or cultural quality of the proposed district, and ii) within forty-five (45) days thereafter the Cultural Resources Office and the Preservation Board shall have reported its findings to the Planning Commission and the Board of Aldermen. The Cultural Resources Office and the Preservation Board shall assess the proposed district as having i) high historic district potential; ii) possible historic district potential; iii) low historic district potential; iv) demolitions within the last two years in excess of the average for similar areas in the City. Districts which are reported as being in categories i), ii) or iv) may be designated Preservation Review Districts. Preservation Review District ordinances may be repealed by ordinance at any time without Cultural Resources Office or Preservation Board action.

### **SECTION FIFTY-SIX.**

No ordinance designating a Preservation Review District shall be adopted until the aldermanic committee to which the bill is assigned shall have conducted a public hearing on the bill. Notice of the hearing shall be given in a newspaper of daily circulation and in the City Journal at least ten days prior to such committee hearing.

### **SECTION FIFTY-SEVEN.**

Ordinance 61366, approved June 9, 1989, is hereby amended by adding one new section thereto, to be and to read as follows:

Section Sixteen. On and after the effective date of Ordinance \_\_\_\_ (B.B. #54) the provisions of this ordinance shall not be applicable to applications to demolish structures individually listed on the National Register of Historic Places, within a National Register of Historic Places District or for which National Register of Historic Places designation is pending.

## **PART X - DEMOLITION REVIEWS**

### **SECTION FIFTY-EIGHT.**

Whenever an application is made for a permit to demolish a Structure which is i) individually listed on the National Register, ii) within a National Register District, iii) for which National Register Designation is pending or iv) which is within a Preservation Review District established pursuant to Sections Fifty-Five to Fifty-Six of this ordinance, the building commissioner shall submit a copy of such application to the Cultural Resources Office within three days after said application is received by his Office.

### **SECTION FIFTY-NINE. Demolition permit Review Approval.**

The Cultural Resources Office or Preservation Board shall have forty five working days after receipt of a copy of an application under Section Fifty-Eight to review same as hereinafter provided and advise the Building Commissioner in writing of their decision. Failure to notify the Building Commissioner in writing by the end of such period of forty five working days shall constitute an approval of such application.

### **SECTION SIXTY. Demolition permit Photos.**

Any Applicant shall submit a 35mm photographic print, 3" x 5" minimum, focused and exposed to show all visible facades, door and window openings and any architectural ornamentation.

### **SECTION SIXTY-ONE. Demolition permit Preservation Board Decision.**

All demolition permit application reviews pursuant to Sections Fifty-Eight to Sixty-Three shall be made by the Preservation Board, which shall either approve or disapprove of all such applications. The Preservation Board may by a duly adopted order or regulation consistent with this chapter, authorize the Cultural Resources Office to make reviews of demolition permit applications. Decisions of the Preservation Board or Cultural Resources Office shall be in writing, shall be mailed to the Applicant immediately upon completion and shall indicate the application by the Preservation Board or Cultural Resources Office of the following criteria, which are listed in order of importance, as the basis for the decision:

- A. Redevelopment Plans. Demolitions which would comply with a redevelopment plan previously approved by ordinance shall be approved except in unusual circumstances which shall be expressly noted.
- B. Architectural Quality. A Structure's architectural Merit, uniqueness, and/or historic value shall be evaluated and the Structure classified as High Merit, Merit, Qualifying, or non Contributing based upon: Overall style, era, building type, materials, ornamentation, craftsmanship, site planning, and whether it is the work of a significant architect, engineer, or craftsman; and contribution to the streetscape and neighborhood. Demolition of Sound High Merit Structures shall not be approved by the Office. Demolition of Merit or Qualifying Structures shall not be approved except in unusual circumstances which shall be expressly noted.
- C. Condition. The Office shall make exterior inspections to determine whether a Structure is Sound. If a Structure or portion thereof proposed to be demolished is obviously not Sound, the application for demolition shall be approved except in unusual circumstances

which shall be expressly noted. The remaining or salvageable portion(s) of the Structure shall be evaluated to determine the extent of reconstruction, rehabilitation or restoration required to obtain a viable Structure.

1. Sound Structures with apparent potential for adaptive reuse, reuse and or resale shall generally not be approved for demolition unless application of criteria in subparagraphs A, D, F or G of this section indicates demolition is appropriate.
2. Structurally attached or groups of buildings. The impact of the proposed demolition on any remaining portion(s) of the building will be evaluated. Viability of walls which would be exposed by demolition and the possibility of diminished value resulting from the partial demolition of a building, or of one or more buildings in a group of buildings, will be considered.

D. Neighborhood Effect and Reuse Potential.

1. Neighborhood Potential: Vacant and vandalized buildings on the block face, the present condition of surrounding buildings, and the current level of repair and maintenance of neighboring buildings shall be considered.
2. Reuse Potential: The potential of the Structure for renovation and reuse, based on similar cases within the City, and the cost and extent of possible renovation shall be evaluated. Structures located within currently well maintained blocks or blocks undergoing upgrading renovation will generally not be approved for demolition.
3. Economic Hardship: The Office shall consider the economic hardship which may be experienced by the present Owner if the application is denied. Such consideration may include, among other things, the estimated cost of demolition, the estimated cost of rehabilitation or reuse, the feasibility of public or private financing, the effect of tax abatement, if applicable, and the potential for economic growth and development in the area.

E. Urban Design. The Office shall evaluate the following urban design factors:

1. The effect of a proposed partial demolition on attached or row buildings.
2. The integrity of the existing block face and whether the proposed demolition will significantly impact the continuity and rhythm of Structures within the block.
3. Proposed demolition of buildings with unique or significant character important to a district, street, block or intersection will be evaluated for impact on the present integrity, rhythm, balance and density on the site, block, intersection or district.
4. The elimination of out of scale or out of character buildings or nonconforming land uses will be considered; however, the fact that a present and original or historic use of a site does not conform to present zoning or land use requirements in no way shall require that such a nonconforming use to be eliminated.

- F. Commonly Controlled Property. If a demolition application concerns property adjoining occupied property and if common control of both properties is documented, favorable consideration will generally be given to appropriate reuse proposals. Appropriate uses shall include those allowed under the current zoning classification, reuse for expansion of an existing conforming, commercial or industrial use or a use consistent with a presently conforming, adjoining use group. Potential for substantial expansion of an existing adjacent commercial use will be given due consideration.
- G. Accessory Structures. Accessory Structures (garages, sheds, etc.) and ancillary Structures will be processed for immediate resolution. Proposed demolition of frame garages or accessory Structures internal to commercial or industrial sites will, in most cases, be approved unless that Structure demonstrates high significance under the other criteria listed herein, which shall be expressly noted.

**SECTION SIXTY-TWO. Application Evaluation Validity of approval or denial.**

Approvals or denials of applications hereunder shall be valid only for the Owner shown on the demolition application. Requests or applications for reconsideration shall not be permitted with respect to an application. The Cultural Resources Office may refer any application with respect to which it has been granted review authority to the Preservation Board for initial evaluation and decision hereunder. In performing its evaluation of any application hereunder, the Cultural Resources Office may request further information from an Applicant or Owner, make site visits or photographs, consult or obtain from public or private sources any information pertinent to its evaluation, and may consider the views of Owners of property adjacent to the Structure, of nonprofit neighborhood associations for the area in which the Structure is located, or of established architectural preservation organizations. Any information so obtained and any communications received by the Preservation Board and Office concerning any application shall be summarized in the Preservation Board or Office's decision.

**SECTION SIXTY-THREE. Appeals.**

Any Applicant or current Owner of a Structure may appeal an initial decision of the Preservation Board or a decision of the Cultural Resources Office under Sections Fifty-Eight to Sixty-Two to the Preservation Board by filing a written notice of such appeal with the Cultural Resources Office within fifteen days after the date of mailing of such decision by the Cultural Resources Office. The Cultural Resources Office shall immediately refer any application which is the subject of such an appeal, and the Cultural Resources Office's entire file thereon, to the Preservation Board for hearing and resolution, based on the criteria set out in Sections Fifty-Eight to Sixty-Two. Requests or applications to the Preservation Board for reconsideration of any such appeal shall not be permitted. The Preservation Board shall issue its decision on applications appealed under this section by the sixtieth working day following receipt of the application by the Office under Section Fifty-Eight. Any such appeal shall be deemed and conducted as a contested case within the meaning of Chapter 536, RSMo., as amended, and shall be appealable and reviewable as in such chapter provided. The Cultural Resources Office is hereby authorized to appeal any decision of the Preservation Board. Any final decision of the Preservation Board may be appealed to the Planning Commission pursuant to Section Fifty-Three.

**SECTION SIXTY-FOUR. Demolition permit approval - Effect of prior legal actions.**

No demolition permit for properties described in Section Fifty-Eight, except in emergency situations, shall be issued by the Building Commissioner unless it has been approved as provided in Sections Fifty-Nine to Sixty-Four.